

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 02, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ALAN RAY MCDOWELL, a.k.a.
ALAN RAY JOHNSON,

Plaintiff,

v.

LARRY HASKELL, ROBERT
FERGUSON and
JUSTIN BINGHAM,

Defendants.

NO: 2:20-CV-300-RMP

ORDER DENYING PENDING
MOTIONS

BEFORE THE COURT are Plaintiff Alan Ray McDowell's second construed Motion to Reopen Case, ECF No. 23, and his Motion for Temporary Restraining Order for Prohibitory Injunction, ECF No. 24. Plaintiff, a prisoner at Spokane County Detention Services, is proceeding *pro se* and *in forma pauperis*. Defendants have not been served. The Motions were considered without oral argument on the date signed below.

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ORDER DENYING PENDING MOTIONS -- 1

1 **REQUEST TO REOPEN CASE**

2 On December 16, 2020, the Court reopened this case and granted Plaintiff
3 until February 16, 2021, to comply with the September 16, 2020 Order directing
4 him to amend or voluntarily dismiss. *See* ECF No. 22. Because the relief Plaintiff
5 seeks in this second construed Motion to Reopen Case has been granted to him, **IT**
6 **IS ORDERED** that this Motion, **ECF No. 23**, is **DENIED as moot**.

7 **MOTION FOR INJUNCTIVE RELIEF**

8 By Order filed September 21, 2020, the Court directed Plaintiff to file an
9 amended complaint or motion to voluntarily dismiss and denied the “Motion &
10 Order to Stay Order Superior Court Case No. 18-1-1013432, 18-1-04344-2 for
11 Decision by Federal Judge,” ECF No. 1, by which Plaintiff had sought to
12 commence this action. ECF No. 14. In the present Motion, Plaintiff seeks a
13 “Temporary Restraining Order for Prohibitory Injunction,” asking this Court to
14 “keep the status quo in Superior Court cause 18-1-10134-32.” ECF No. 24 at 1.
15 Further, Plaintiff asks this Court to restrain the “Spokane Superior Court from
16 moving forward or enforcing [RCW 9AH6.100, RCW 26.50.110, RCW
17 9.94A.535(3)(h), RCW 9.94A.835, 9.94A.535(3)(P), 9.94A.535(3)(f)
18 9.94A.535(3)(h)] all under violations of the stalking and harassment protection
19 order against plaintiff until final decision is made in the Federal District Court.” *Id.*
20 at 2.
21

1 Again, Plaintiff's request for a temporary restraining order is premature as
2 he has not yet filed a legally sufficient complaint. For the reasons set forth in the
3 previous Order denying Plaintiff's request for injunctive relief, ECF No. 14 at 13-
4 15, **IT IS ORDERED** that the Motion for Temporary Restraining Order for
5 Prohibitory Injunction, **ECF No. 24**, is **DENIED**.

6 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
7 Order and provide a copy to Plaintiff at his last known address.

8 **DATED** February 2, 2021.

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10 *s/ Rosanna Malouf Peterson*
11 ROSANNA MALOUF PETERSON
12 United States District Judge
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